

**APPLICATION**  
**FOR THE**  
**INDIANA SUPREME COURT**

I. Provide your:

A. Full legal name and any former names.

Robyn Lynn Moberly. I am also occasionally known by my husband's surname.

B. Current home and office addresses, including email addresses and telephone numbers.

Home Address:

Tel:

Office Address: Marion Superior Court, Civil Division #5  
200 East Washington Street, W507; Indianapolis, IN 46204

Tel: 317-327-3939

Personal email:

Business email:

C. Date and place of birth. Born November 20, 1953 in Palo Alto, California

D. Complete a State Police release form printed on green paper. Include the release only with the original application and not with the copies.

II. Attach a recent photograph of you to the front of the original application and to each copy of your application.

III. A. State in what county you currently reside and since what date. I reside in Marion County, Indiana and have so resided since 1975.

B. List all previous counties of residence, with dates. I resided in Monroe County from 1971 until 1975 while I attended Indiana University.

C. When were you admitted to the Indiana Bar? I was admitted to the practice of law before the Indiana Supreme Court and the United States District Court for the Southern District of Indiana on May 18, 1978. I was admitted to practice before the Supreme Court of the United States of America on January 9, 2008.

D. Are you currently on active status? Yes.

E. What is your attorney number? 9303-49

- IV. A. List below all colleges and universities you attended other than law schools. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree or Certificate</u>
Indiana University	1971-1975	B.A. in Economics (Honors Division)

- B. List below all law schools and post-J.D. programs attended. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree and Class Rank</u>
Indiana University School of Law, Indpls.	1975-1978	J.D. <i>cum laude</i>

C. Describe any academic honors, awards, and scholarships you received and when.

While in law school, I was associate editor of The Indiana Law Review, volume 11. I graduated *cum laude* from law school. (I have assumed this question is only directed to my law school education and I have not addressed the academic honors, awards and scholarships received during my undergraduate education. I will supply a list of undergraduate honors upon request).

- V. A. Provide your employment history since graduation from college, including titles or positions, locations, and dates.

I taught swimming as a summer job at the YMCA which was then located at 4200 Guion Road in Indianapolis, IN during the summer of 1975 and 1976.

I was employed by **Tilden Mendelson and Eugene Popow**, attorneys at law, as a law clerk 1976-1977 during the academic school year.

I was employed by **Eli Lilly and Company**, Lilly Corporate Center, Indianapolis, Indiana 46285, during the summer of 1977 in the Legal Department as a law clerk/summer intern. I worked directly for Walter Taylor, who was General Counsel at that time.

From approximately May, 1977 through May, 1978, I was employed as a Bail Commissioner by the **Marion County Municipal Court** through an endeavor known as the "Bail Project" supervised by James Droege, now deceased. The job was located within the Indianapolis Police Department Lockup on the 5<sup>th</sup> floor of the East Wing of the City-County Building, 200 East Washington Street, Indianapolis, IN.

**Buck Berry, Landau, Breunig & Quinn**, attorneys at law- 1978-1983; 200 North Alabama Street, Indpls, IN 46204. I was employed as an associate attorney.

**Hebenstreit & Moberly**, attorneys at law- 1983-1996. 151 North Delaware Street, Suite 1635, Indianapolis, IN. I was a partner and practiced law.

**Commissioner to Hon. Anthony J. Metz**, Marion Superior Court, Civil Division #1, from June 2006-December 2006. 200 East Washington Street, Indianapolis, IN. This was part-time employment as a judicial officer while I was preparing to assume my future position of judge. I continued to practice law with Hebenstreit & Moberly while I worked part-time for Judge Metz.

**Marion Superior Court Judge**, January 1, 1997 to the present time. 200 East Washington Street, Indianapolis, IN.

B. If applicable, describe the nature and extent of your practice of law, present and former, and provide the names of your partners, associates, office mates, and employers.

Upon graduation from law school in 1978, I was employed by the firm of Buck, Berry, Landau, Breunig & Quinn. I engaged in the general practice of law which included civil tort (representing both plaintiffs and defendants), general civil litigation, bankruptcy, appellate (more criminal than civil appellate work) and criminal practice. The following people were also engaged in the practice of law in association with the firm at various times during which I was so employed: James A. Buck, Gil I. Berry, Gary Landau, Preston T. Breunig, James P. Quinn, Judy Stinson, John Schiff, James Reed, Mary Rose Hess and Richard Orr.

I left practice with Buck, Berry, Landau, Breunig & Quinn to associate in the practice of law with my husband, \_\_\_\_\_ in 1983. We associated in the practice of law with David Bikoff. During this period of time, I practiced bankruptcy and civil law (including a couple of civil appeals), I became a certified mediator, and I developed a mediation practice. I was in the first group of attorneys in Indiana to become a mediator in 1988.

C. Describe the extent of your jury experience, if any.

As a practicing attorney, I was involved in approximately 5 cases that were resolved by jury trial. The jury trials were in both civil (plaintiff and defendant) and criminal cases (defense only).

D. If applicable, describe the nature and extent of your judicial experience, including a description of your experience presiding over jury trials, if any.

Upon my election to the bench, I was assigned to a Domestic Violence court in January 1997. During the time that I was assigned to Domestic Violence court, I initiated the Domestic Violence Coordinating Council which included, among others, the elected prosecutor, sheriff and clerk. The purpose was to coordinate the various county agencies that respond to complaints/charges of domestic violence, to streamline the intake process, enhance the response, provide improved protection and increase victim safety. Our court handled misdemeanors and felony cases "between persons who know one another". We also handled the protective order intake, emergency hearings, protective order trials and contempt proceedings. After nearly 2 years, I was assigned to major felony court (Criminal Court #2) where I served for 2 years. In Marion County, all cases of Murder, A felony, B felony and C felony are assigned to major felony court. Since January 1, 2001, I have served as a civil court judge. I continue to serve in this capacity.

As a trial judge, I have presided over more than 300 jury trials. I have presided over death penalty, Murder, A, B, C and D felony jury trials. While in major felony court, I presided over approximately 35 jury trials each year, including the Death Penalty case of the *State of Indiana v. Kerry Price*. This was the last capital case tried to a jury in Marion County. I had the opportunity to preside over several high profile criminal cases such as the *State of Indiana v Donnell Hughley* which was a murder case involving the shooting of a child by a cocaine dealer after the child's father had duped the dealer with fake transaction money.

During the more than ten (10) years that I have served in civil court, I have presided over more than 150 civil trials including medical malpractice, legal malpractice, automobile



negligence, products liability, duty to warn negligence cases, insurance contract disputes, construction cases, and nearly every kind of civil matter.

I have approximately 2400 new cases filed in my court each year, with approximately that many cases pending at any given time. I hear all variety of civil cases which include litigation over non-compete clauses, high conflict and high asset dissolutions of marriage, shareholder disputes and contract disputes. I also hear a number of Child In Need of Services (CHINS) cases and Termination of Parental Rights cases.

I preside over 16-20 jury trials each year in civil court. In April 2010, I presided over the first phase of the jury trial of *Lonnie Kindle, et. al v SCI Propane LLC, et. al.* I was requested to serve as a special judge on this case by the attorneys involved. It is a Morgan county case, 55 D01-0510-PL-000658. It involved issues of product liability for an allegedly defective gas control valve, duty to warn negligence issues and contract issues. It also involved extensive and complex discovery disputes, one of which was the subject of an article in the May 6- June 8, 2010 *Indiana Lawyer*. The jury trial was bifurcated between allocation of fault and damages (damages are yet to be determined). The first phase, allocating fault, took place in April 2010 and lasted more than three (3) weeks. Jury trial management for this lengthy case involved the logistical issues of transporting the Morgan county jury to Indianapolis each day, coordinating sophisticated legal support technology, and responding to more than 20 lawyers representing the many parties. This very interesting case presents sophisticated legal issues, jury management challenges, and strong case management skills.

I currently have several high profile and complex civil matters pending in my court in addition to the very heavy volume which is typical of a Marion county trial court.

- VI. A. If applicable, list by caption, case number, and filing date up to five of your trial or appellate briefs and/or written judicial opinions.

Miller's Health Systems, Inc. *et.al.* v Sally B. McCarty, Commissioner, Indiana Department of Insurance, 49D12-0404-PL-000867, June 2, 2004.

Access Therapies, Inc. v Butterfield Healthcare, Inc. d/b/a Meadowbrook Manor and Butterfield Healthcare II, Inc. d/b/a Meadowbrook Manor of Naperville, 49D005-0806-CC-025585, February 26, 2010.

Jane Doe, *et.al.* v Evelyn Ridley-Turner, Commissioner of the Indiana Department of Corrections, *et.al.*, 49D12-0109-CP-001450, July 23, 2004.

Southern Hills Investments LLC, v Andrew D. Purcell, 49D12-0208-PL0001483, February 14, 2005.

Hadley W. Fruits as personal Representative for the Estate of Elizabeth Ann Cadou v Hematology-Oncology of Indiana, P.C. 49D05-0611-CT-045470. Currently this case is fully briefed and on appeal at 49A05-0910-CV-00556.

B. If applicable, list up to five legislative drafts or court rules you have written or to which you contributed significantly. Refer to them by official citation, by date, and by subject matter.

**P.L. 50-2006, Sec. 7, effective 7/1/06, Relocation statute codified at Ind. Code §31-17-2.2**

I was a member of the Child Custody and Support Advisory Committee, which is a legislative study committee, for 2 years. In that capacity, I had the opportunity to write P.L. 50-2006 Sec. 7 which is codified at Ind. Code § 31-17-2.2 in conjunction with Mr. Andrew Soshnick and Mr. Bruce Pennamped. I took the language of the draft bill to the Domestic Relations Committee of the Judicial Conference, of which I was a member. In the Domestic Relations Committee, the draft legislation was discussed with my colleagues and I drafted further revisions to the bill. The bill was ultimately passed by both houses of the legislature, signed by the governor, and became law July 1, 2006.

**Ind. Trial Rule 56 (C), effective January 1, 2006**

I wrote the amendment to Indiana Trial Rule 56 (C) which removed the requirement of a hearing on all summary judgment motions and required hearings only when requested by any party or on the court's own motion. I wrote the proposed rule amendment and forwarded it to Mary Larimore, Esq., who was the Chair of the Supreme Court committee on Rules. She then took my proposal to her committee, who ultimately forwarded it to the Indiana Supreme Court where the change to the rule was adopted *verbatim* after proper notice. The amendment to the rule became effective January 1, 2006.

**Indiana Child Support Guidelines, amended September 10, 2003, effective January 1, 2004.**

As a member of the Domestic Relations Committee of the Indiana Judicial Conference, I was a significant participant in the amendments to the Indiana Child Support Guidelines which introduced the practice of allocating the costs of raising children in both parents' homes between both parents according to the amount of time children spend with each parent and according to each parent's share of the family's total income (known as the Income Shares Model). The Income Shares

Model has been the foundation of our state's Child Support Guidelines for many years. However, calculating the costs of raising children in both the custodial and the non-custodial parents' homes and allocating that cost among both parents under the Income Shares Model was a new concept in Indiana. These amendments were drafted by all members of the committee equally. I presented the proposed amendments to the Indiana Supreme court for consideration and adoption.

C. If applicable, list up to five of your contributions to legal journals or other legal publications. Provide titles, official citations, and a brief description of the subject matter.

D. Include with your application copies of any four of the written materials listed above in Section VI. A., B., and C.

**See Attached.**

E. Describe the nature and extent of any *pro bono* legal services you have contributed.

As a practicing attorney, I was a frequent participant in a *pro bono* activity known as Legal Line sponsored by the Indianapolis Bar Association.

I was the chair of the Indianapolis Bar Association Pro Bono Standing Committee for the years 2003 and 2004. My major accomplishment as Chair of the Pro Bono Standing Committee was to design and promote an effective system for matching litigants in need of *pro bono* services to lawyers willing to represent them. As a trial judge, I had experienced the discomfort of calling lawyers directly to ask if they would be willing to serve *pro bono* on a case over which I was presiding. I was also well aware of the generous spirit of most lawyers who were not called upon to serve *pro bono*, despite an obvious willingness to do so. I developed a joint initiative between the Marion Superior Court and the Indianapolis Bar Association (IBA) to facilitate the appointment of counsel to the indigent. The initiative included the development of a website that is hosted by the IBA. The website facilitates real time assignment and acceptance of cases before the litigant leaves the courtroom. Along with 4 other members of the committee, we recruited 75 attorney volunteers who were willing to take cases *pro bono* in specified areas of the law. We provided free Continuing Legal Education classes to volunteer attorneys who wanted specific "how-to" instruction in dissolution of marriage actions. This initiative is significant because it has increased the availability of *pro bono* counsel, spotlighted the need and importance of *pro bono* services, and removed the ethical conundrum of selecting counsel for one of the parties in a pending case.

I was recognized for my contribution to *pro bono* representation by the Indianapolis Bar Association *President's Award* in 2003.

I have continued to serve on the IBA's Pro Bono Standing Committee since 2003. I have been in charge of the monthly Legal Line activity of this committee since January 2009. I recruit law firms in our community to staff telephone lines to answer legal questions called in by citizens. I attend Legal Line every month (the second Tuesday evening of each month from 5:30-8 p.m.) and perform the orientation for the attorneys and express appreciation for their service.

As Chair of the civil division of our court, I spear-headed an initiative to make *pro bono* (and modest means) mediation widely available to low income and indigent litigants. I wrote an Alternative Dispute Resolution Plan that was adopted by the Marion Superior and Circuit Courts August 1, 2003. The Plan provides funding pursuant to Indiana Code § 33-23-6 *et. seq.* for *pro bono* and modest means mediation. Under my direction, the court developed and currently hosts a website where judges can randomly select mediators who are willing to perform low cost and *pro bono* mediations to families. The website makes the referral to the mediator via email and creates a printable mediation Order.

My commitment and concern for making *pro bono* representation more available to indigent parties in litigation was also demonstrated by my *cy pres* award of \$136,000 to the Heartland Pro Bono Council and \$136,000 to the Indianapolis Bar Foundation for the dedicated purpose of increasing *pro bono* representation in Indianapolis.

As the Lead Judge of the Family Court Project in Marion County, I supervised Mediation Day for indigent and modest means litigants in family law matters. The first Mediation Day occurred in September 2006 and was followed by a Mediation Day during the Spring and Fall judicial conferences. Volunteer mediators perform mediations for families selected as being indigent or of modest means for two (2) consecutive days in the City County building. The Indianapolis Bar Association, Family Law Section, provided refreshments for the volunteer attorney-mediators.

Thanks to grant funding secured from the Indiana Supreme Court, I also developed and I supervise the Family Court Project where our staff screens new family law filings for low income and indigent parents who would like to participate in low cost or free mediations. We currently have lawyer-mediators who come to the City County Building to conduct mediations for these families. The families are served free of charge if they are indigent (consistent with Federal Poverty Guidelines) or for a drastically reduced charge if they are among the working poor.

In addition, through my efforts, the Family Court Project has a paid staff person who facilitates simple parenting time disputes immediately upon referral by a judicial officer. The staff is trained to remove barriers to effective parenting, such as referral to social services, job search, bus transportation, etc.

F. Identify the five most significant legal matters entrusted to you whether as a judge or lawyer, and describe why you believe them to be so.

*State of Indiana v Kerrie Price*, 765 NE2d 1245 (Ind. 2002), lower court case number 49G02-9702-CF-028645, was a capital case and I was the presiding judge. Due to the nature of a capital case, the legal significance cannot be overstated. I entered the case months after it was filed and took needed control of the case and the attorneys. The legal issues were numerous and complex. I had chronological case entries posted on the court website along with copies of pleadings to facilitate media access, which was new in our court system at the time. Jury selection was long and complicated because each juror must be "death qualified". Jury management was complex because it was a sequestered jury. The case took approximately 4 weeks to try, during which we worked 6 days each week because the jury was sequestered. Mr. Price was convicted of 2 counts of murder and was ultimately spared the death penalty upon a jury recommendation of Life Without Parole. The case was affirmed on appeal.

*Eli Lilly v The Aetna Casualty and Surety Company et. al*, 49D12-0102-CP-000243 was significant due to the complex legal and factual issues. I was the trial judge. The amount in controversy exceeded \$100 million. Approximately 30 attorneys from cities across the United States represented the numerous insurance companies who were defending. The case raised issues of policy triggers, pro tanto or pro rata allocation of settlements, contribution and other significant insurance coverage issues.

*In the Matter of J.H., A Child in Need of Services*, 49D12-0309-JC-001787. I preside over a number of CHINS cases and I was the judge on this CHINS case for many years. Joyce (J.H.) entered the welfare system at a very young age and was ultimately adopted by a single foster mother. Unfortunately, her adoptive mother wanted to "return" Joyce. Due to the circumstances, it was my decision that there was no possibility of rehabilitating the parental relationship and Joyce was again found to be a CHINS. Adoption was not realistic for Joyce and she aged out of the system about 2 years ago. During the time she was a foster child, she gave birth to a baby whom she wanted to keep. Her baby became a CHINS, as well, because Joyce had no ability to support the child. I presided over her case for many years and I got to know her well. She still keeps in contact with me to talk about how her life is going. This case demonstrated the need for good case managers and *guardians ad litem*, the consequences to children of the disintegration of the nuclear family, the enormous cost of the foster care system, the limitations of the foster system, and the important role of the trial judge to be a responsible gatekeeper of taxpayers' money.

*Dennis McAllen, Dennis Dittrick, et.al. v Indiana State Teachers Association, Edward P. Sullivan, Warren Williams, et.al. and David Orentlicher, John F. Springer, Frederick J. Suman, J. Sue Kelly, Steve Gookins and Ann Clarke as Trustees of the I.S.T.A. Insurance Trust v Warren L. Williams, UBS Financial Services Inc. McInnes Maggart consulting Group LLC, and Crowe Horwath, LL*, 49D05-0907-PL-034768. This case was filed nearly a year ago and is currently pending. It arose from the financial collapse of the Indiana State Teachers Association Insurance Trust which was a funding mechanism for the long term disability insurance of disabled teachers. Initially, suit was brought by



beneficiaries of the trust who were currently receiving disability payments with a request for certification as a class action. The case required the court to appoint a full Board of Trustees which had previously been summarily dismissed when the National Education Association took over the Indiana Teachers Association. The case is extremely complex. Currently, matters regarding the Indiana and the federal Investment Advisors Act are implicated. The case is important not only because of the many very complex legal issues, but also because it potentially affects the welfare of at least 600 disabled beneficiaries of the insurance trust and the future of the I.S.T.A. The attorneys representing all of the parties are highly knowledgeable, experienced, competent trial attorneys and it has been a professional pleasure to be involved in litigation which is so challenging and significant.

*Lonnie Kindle, Courtney Frederick, Samuel Frederick, Ciera Davis, Kenneth Davis and Billie Joanna Davis v SCI Propane, LLC, Midland-Impact, LLP, White-Rogers, a division of Emerson Electric company, RushShelby Energy rural Electric Cooperative, Inc., SCI Services, LLC, RSE Services, Inc., and South Central Indiana Rural electric Membership Corporation, 55D01-0510-PL-000658.* I was selected by the attorneys on this case from Morgan county to be the special judge. As stated by the *Indiana Lawyer*: “six years ago, a water heater explosion leveled an apartment attached to a rural Morgan county barn, resulting in one man’s death and four of his family members being severely burned but a liability lawsuit filed by the victims a year after the May 2004 blast erupted in its own metaphorical explosion of discovery disputes.” This case presented very interesting and hotly challenged discovery disputes, which ultimately resulted in conflicting decisions from different panels of the Indiana Court of Appeals. As the trial judge, I found the legal issues to be fascinating beyond the discovery issues. It involves complex issues of products liability including a statute of repose defense, intertwined with duty to warn negligence issues and contract issues. The jury management was challenging since it was a Morgan county jury and a trial which lasted more than 3 weeks. There were more than 20 trial attorneys of the highest caliber representing the various parties. It has been an honor to participate in litigation of this sophistication and significance as the trial judge.

G. Provide the names, addresses, and telephone numbers of three attorneys who have been your professional adversaries in your practice or who have litigated substantial cases in your court and who would be in positions to comment on your qualifications for appointment to the Indiana Supreme Court.

**Mr. George Plews**, Plews Shadley Racher & Braun, 1346 North Delaware Street, Indpls. IN 46202-2415; 317-637-0700

**Mr. Robert Saint**, Emswiller, Williams, Noland & Clarke, P.C., 8500 Keystone Crossing Suite 500, Indpls, IN 46240-2461; 317-257-8787

**Mr. David Herzog**, Baker & Daniels, LLC, 300 North Meridian Street, Suite 2700, Indianapolis, IN 46204; 317-237-1240

VII. A. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) toward the improvement of the law, the legal system, or the administration of justice.

I was an elected member of the Marion Superior Court Executive Committee from January 2005 until my term ended in January 2007. During that time, I became concerned about the absence of proper medical, dental, and mental health services available to the youth held in our Juvenile Detention Center. I contacted the Marion County Health & Hospital Corporation and with that agency's expertise I configured a model for the delivery of appropriate medical, dental, and mental health services and negotiated the contract for those services at our detention center. Initially the funding for this care was absorbed by our court budget. With assistance from my colleagues on the Executive Committee, I secured adequate funding for this medical care from the City County Council (\$750,000.00). Now every youth detained in our facility receives a medical and mental health evaluation, emergent dental treatment, necessary medication and treatment. I continue to serve on the Juvenile Detention Advisory Board to this day.

As a member of our Executive Committee, I was a critical participant in a restructuring of our county's criminal justice system. This involved a significant number of hours identifying log jams, deciding what changes needed to be made and could be made, advocating for funding, and participating in the development of the "August 9, 2006 Order". No single person could be credited with the improvements that were made. The three judges on our Executive Committee were awarded the 2006 *President's Award* from the Indianapolis Bar Association for *Service To The Community*. It was an effort of all members of our Executive Committee and countless persons in leadership of our county.

I have been the lead judge of the Marion Superior Family Court Project since its inception in November 2001. The purpose of the family court project is to avoid conflicting and redundant orders, coordinate services and interagency communication to avoid duplication and gaps in service delivery, case monitoring for compliance with court orders and to facilitate parenting time. This project began with a grant of \$45,000.00 from the Indiana Supreme Court. We have sought and received additional grants from Fathers & Families and the Efroymsen Foundation. There are currently 3 full time staff employees who coordinate and communicate case information, perform the work necessary for case "bundling", perform service referral for families, remove barriers to parenting time and facilitate mediations. The family court project has touched the lives of thousands of children. We identify families with multiple cases in the justice system and typically those cases are bundled in front of one judge. This avoids multiple court hearings and redundant court orders. The judicial officer can refer families to the family court project staff for brief evaluations and effective service referrals. The staff is also trained to assist parents in removing barriers to parenting time which also contributes to more compliance with all court orders, including support payment.

Along with my colleagues on the Executive Committee and our lobbyist, Mr. Joseph Loftus, I lobbied the Indiana legislature for passage of P.L. 80-2006 which was approved and became law in March 2006. This bill amended, among other laws,



I.C. § 33-33-49-6 which increased the number of Marion County judges, I.C. § 33-33-49-13 which approved the method for selection of the four (4) new judges, I.C. § 33-33-49-14 which changed the composition of the Executive Committee, and I.C. § 33-33-49-32 which added magistrates to our county and provides that a request for hearing before the elected judge must be made by certain deadlines.

As a trial judge, I have had the opportunity to serve on several judicial committees, at the request of Chief Justice Shepard. I served on the Criminal Benchbook Committee (I wrote the update on the Capital Case section), the Community Relations Committee, the Domestic Relations Committee (I participated in drafting the proposal to amend the Child Support Guidelines) and I currently serve on the Education Committee. I was elected a member of the Board of Directors of the Indiana Judicial Conference by my colleagues in 1998.

I am currently the Chair of the Bar Leader Series. The Bar Leader Series is a 9 month program. The purpose of the Bar Leader Series is to recruit, train, and inspire young lawyers to be Bar and Civic leaders during their careers. The series begins with a two-day retreat followed by monthly meetings which include a lunch discussion with local leaders in their field, 3 hours of substantive presentations, and an hour of leadership development training.

B. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) concerning civic, political, or social issues.

I have not been a public advocate for any political, civic or social issues.

I have testified in our General Assembly in favor of two different bills to change the selection process for judges in Marion County, one of which was passed and is the current law as discussed in A above.

As part of my responsibilities as an associate presiding judge, I appeared on *Abdul in the Morning* and *Kelly and Steve Morning Show* to answer questions about jail over-crowding and the juvenile court and detention center. To the extent I could be seen as advocating a position, it was to improve the effectiveness and efficiency of our criminal justice system and the need for reform in our juvenile detention center.

C. List any memberships and offices you have held in civic or charitable organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

**Family Strengthening Coalition:** I was a member of the Steering Committee of the Family Strengthening Coalition from 2005-2007. This is a group of social service community leaders who were asked by the United Way to come together and improve the delivery of social services to families. As stated on their website, [indyfamilies.org](http://indyfamilies.org), "the Family Strengthening Coalition supports and raises awareness about what works to strengthen our families. It fosters change within families, neighborhoods, businesses, voluntary groups, service providers and institutions to help families become and remain strong, capable and connected."

**Indianapolis Humane Society:** I was a member of the Board of Directors of the Indianapolis Humane Society from 1994-1997 and I volunteered with my daughter cleaning cages and walking animals after I left the Board. The purpose of the Indianapolis Humane Society is to "provide shelter and comfort to animals in need on the path to loving lifetime homes." The Humane Society has a shelter facility, educational programs, a Bark Park, a foster care program, a spay/neuter program and operates a summer day camp for school age children. Their website is [indyhumane.org](http://indyhumane.org).

**Kappa Alpha Theta House Corporation and the founder and president of the Kappa Alpha Theta Educational Foundation:** I was the president of the Kappa Alpha Theta House Corporation and I am the founder and president of the Beta Chapter of Kappa Alpha Theta Educational Foundation. The purpose of the Kappa Alpha Theta House Corporation is to own and manage the real estate at Indiana University which houses the college members of Kappa Alpha Theta. I served in this capacity from 1989-1995 and 2001-2007. I also founded the Beta Chapter of Kappa Alpha Theta Educational Foundation (which is a 501(C)(3) organization) in 1991 for the purpose of providing grants and financial aid to members in need and to assist with educational improvement to the housing (e.g. computer lab, ether net). This involvement has been important to me because it is a meaningful opportunity to mentor young women and provide opportunities to women. As a college member of this organization, I was exposed to opportunities for women of which I had not dreamed and I credit my experiences in this organization with encouraging me to excel scholastically as well as enlightening me about opportunities for women.

**Zoobilation:** I was a member of the steering committee of Zoobilation for 2003, 2004 and 2005. The purpose of Zoobilation is to raise funds for the general operating budget of the Indianapolis Zoo. I was on the decorations committee, due to restrictions on the fund-raising activity of judges.

**Boy Scouts of America, Crossroads Council:** Our community's Boy Scout organization strives to have members of their Eagle Boards of Review who are notable in our community. I have been one of the rotating members of the Boy Scout Eagle Board of Review for nearly ten (10) years.

D. List any memberships and offices you have held in professional organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

**Indiana State Bar Association:** I have been a member of the ISBA since 1978. I am currently a member of the Ethics Committee.

**Indianapolis Bar Association:** I have been a member of the IBA since 1978 and have served on a number of committees. Most recently I was the chair of the Pro Bono Standing Committee for 2003 and 2004 and I continue to be an active member of this committee. I was a member of the Board of Managers from 2004-2006. I was on the Nominating Committee in 2003. I am a **Distinguished Fellow of the Indianapolis Bar Foundation** since 1998. Currently, I am the Secretary and a

member of the Executive Committee of the IBA. As stated previously, I am currently the Chair of the Bar Leader Series VIII.

**American Bar Association:** I have been a member since 2002. I am a delegate to the ABA Judicial Division National Conference of State Trial Judges.

**Indiana Judges Association:** I have been a member of the Indiana Judges Association since 1997 when I was elected to the bench. I became the representative from the 8<sup>th</sup> Judicial District in approximately 2000. I became the secretary-treasurer of this organization and I am currently the Vice-President. An officer of the IJA serves two (2) years as secretary-treasurer, then assumes the role of vice-president for two more years, and then holds the office of president for a like period of time. Therefore, my term as president of the IJA will be 2011 and 2012.

**Indianapolis American Inns of Court:** I have been a “Master” since 2004 and I continue to enjoy my participation in this organization. As stated on its website, “American Inns of Court (AIC) are designed to improve the skills, professionalism, and ethics of the bench and bar. An American Inn of Court is an amalgam of judges, lawyers, and in some cases, law professors and law students. Each Inn meets approximately once a month both to “break bread” and to hold programs and discussions on matters of ethics, skills and professionalism. Looking for a new way to help lawyers and judges rise to higher levels of excellence, professionalism, and ethical awareness, the American Inns of Court adopted the traditional English model of legal apprenticeship and modified it to fit the particular needs of the American legal system. American Inns of Court help lawyers to become more effective advocates and counselors with a keener ethical awareness. Members learn side-by-side with the most experienced judges and attorneys in their community.”

**National Association of Women Judges:** I was a member from approximately 2002-2005. The National Association of Women Judges (NAJW) provides strong, committed judicial leadership to ensure fairness and gender equality in American courts. This organization is open to both genders. Through effective judicial education and interaction, NAWJ promotes equal access to justice for vulnerable populations. NAWJ also offers professional and personal support to enable members to achieve their full potential on the bench.

NAWJ is committed to diversity in membership. NAWJ welcomes both men and women and includes appellate, trial, tribal, administrative law judges, state and federal judges, and members from every state in the nation. NAWJ provides an opportunity for judges to meet and discuss professional issues of mutual concern in a supportive atmosphere.

**Association of Family and Conciliation of Court Judges:** I have been a member since 2002. AFCC is an interdisciplinary, international association of professionals dedicated to improving the lives of children and families through the resolution of family conflict. AFCC promotes a collaborative approach to serving the needs of

children among those who work in and with family law system, encouraging education, research and innovation and identifying best practices. AFCCNET.org.

**Marion County Juvenile Detention Center Advisory Board:** I am currently a member of this group. It is a creation of statute and the purpose is to advise the court on matters pertaining to all aspects of the detention center. Members of this group are appointed by different political bodies and are intended to be a reflection of our community and a voice for our community in the detention of our youth. This also places me on the team working with the Annie E. Casey Foundation on the Juvenile Detention Alternative Initiative.

E. List any memberships you hold in social clubs or organizations. If any restrict its membership on the basis of race, sex, religion, or national origin, please describe your efforts within the organization to eliminate restrictions.

Saint Luke's Catholic Church.

Indiana University Law-Indianapolis Alumni Association. I am a member of the Alumni Association Board of Directors.

Indianapolis Alumnae Club of Kappa Alpha Theta. This is a women's Greek letter fraternity. Membership is restricted to women only. Since there are more men's Greek letter organizations than women's, and since membership at my college required living in the chapter house, restriction by gender does not appear inappropriate at this time.

Jewish Community Center. This is a recreational facility that welcomes members of all religions and races.

F. Indicate your experience teaching law, and provide the dates, names of institutions or programs, and a description of the subject matter taught. (not a complete list)

Managing the Civil Docket, New Judges' Orientation Seminar 2005, 2006, 2007

Trial Advocacy at the National Institute for Trial Advocacy (NITA) 1999-2003

"How to Handle a Capital Case", Spring Judicial College 2001

"Tips for Complex Cases": Defense Trial Counsel of Indiana (DTCI) meeting 2009.

"Top 10 Suggestions for Effective Jury Trial Advocacy", Indiana Trial Lawyers Association 2003

"Elder Law", Indiana Continuing Legal Education Forum seminar, approximately 1995

"Trial Rule 65 and Other Ex Parte Communications", Indianapolis Bar Association 2003.

"The New Child Support Guidelines", Indiana Judicial Conference Annual Meeting 2003

Indiana Continuing Legal Education Forum, "An Advanced Seminar on The New Child Support Guidelines" 2004.

“Effective Cross-Examination”, Women’s Bench Bar 2004.

“Advanced Seminar on the Child Support Guidelines”, Indianapolis Bar Association

Multi-year presentations to the “Street Law” class of Ms. Sara Compton at Brebeuf Jesuit Preparatory High School 2000-2004

Multi-year presentations to the senior government class of Mr. Long at Cardinal Ritter High School 1999-2003

“Top Ten Tips for Trial Attorneys”, Indianapolis Bar Association annual presentation since 2004.

“Ethics of Utilizing Paralegals”, Indianapolis Bar Association 2003, 2005

Mini Sedona Conference on E-Discovery Issues, Federal Judicial Conference 2004 Chicago, Illinois, repeat presentation at the Indiana Judicial College 2004

“Lesser Included Offenses”, In-house Continuing Legal Education for Magistrates and Commissioners in Marion County 2000

“Issues of the Military Divorce”: Bench Bar Conference 2008

“Authentication Issues Surrounding Social Networking Sites and other Electronic Authentication Issues”: Bench Bar 2009

“Nuts and Bolts of New Parenting Time Guidelines”: Indianapolis Bar Association 2004

“Repudiation in Family Law Matters” Bench Bar 2009

G. Describe your hobbies and other leisure activities.

I enjoy vinyassa yoga and I take at least 3 yoga classes each week. I read for pleasure. I also like to snow ski and scuba dive, but I haven’t had the opportunity to participate in these activities recently. I enjoy cooking and I’m a movie buff.

VIII. A. Provide names, addresses, and telephone numbers of three professional references other than those listed in Section VI. G.

**Judge (ret.) Patricia Gifford**

7360 Steinmeier Drive

Indianapolis, IN 46250

Ph: 317-841-3786

**Mr. Kevin McGoff**

Bingham McHale LLP

2700 Market Tower

10 West Market Street

Indianapolis, IN 46204

Ph: 317-635-8900

**Mr. James M. Gutting**

Barnes & Thornburg LLP

11 South Meridian Street



Indianapolis, IN 462004-3535  
Ph: 317-231-7234

B. Provide names, addresses, and telephone numbers of three personal references other than those listed in VI. G.

**Dennis Casey**  
11261 Mirador Lane  
Fishers, In 46037  
[Dennis.casey@anthem.com](mailto:Dennis.casey@anthem.com)  
Office phone: 317-287-5800  
Home phone: 317-577-9775

**Mike Wells**  
8750 Coventry Road  
Indianapolis, IN 46260  
[mwells@reires.com](mailto:mwells@reires.com)  
Mobile phone: 317-439-6354  
Home phone: 844-6022

**Melissa Profitt Reese**  
4419 Washington Blvd.  
Indianapolis, IN 46205  
[Melissa.reese@icemiller.com](mailto:Melissa.reese@icemiller.com)  
Office phone: 317-236-2470  
Home phone: 317-924-5211

C. List any lawsuits or legal proceedings in any jurisdiction, including bankruptcies and dissolutions, to which you have been a party. Provide dates, case numbers, names of other parties, and, if needed, a brief explanation.

*DARTH HURRICANE, formerly known as ROCKY "HURRICANE" FLASH represented by DARTH HURRICANE v. Moberly, et al. 1:03-cv-00644-JDT-TAB. Filed in District Court for the Southern District of Indiana on May 5, 2003 and dismissed May 8, 2003. Mr. Rocky "Hurricane" Flash a/k/a Darth Hurricane a/k/a Rocky Adonis Flash appeared in my court as a Respondent on a Protective Order. The case came to me after the recusal of one of my colleagues. Mr. Flash is a self-avowed vampire and former gubernatorial candidate in New Jersey in 2000 and in Florida in 2002. He was dissatisfied with the ruling he received from me in the case in my court and initiated legal action against me in my official capacity as a Superior Court Judge, presumably on a claim of deprivation of his civil rights. Judge Tinder dismissed the action.*

*CAROLYN H. SRIVASTAVA v Mitchell Daniels, Randall Shepard, Gregory Zoeller, James Payne, Mike Delph, Charles Bantz, Hal Broxmeyer, Gerald Bepko, D. Craig*

*Brater, Richard Schreiner, Robert Rifkin, AT&T, Richard Young, David F. Hamilton, Timothy Morrison, John Potter, Gerald Zore, Clark Rogers, Cynthia Ayers, Evan Goodman, Sheila Carlisle, William Nelson, Steven Frank, Robyn Moberly, et.al.* 2:10-cv-00053-PPS-PRC was filed in December 2009 in Lake County Superior Court. It was transferred to the U.S. District Court Northern District of Indiana (Hammond) on January 28, 2010. It is assigned to Chief Judge Philip P. Simon and referred to Magistrate Judge Paul R. Cherry. Although it is unclear from Ms. Srivastava's pleading what the nature of her claim is against me and the many judges she has sued, I assume that her complaint against me arose from her dissatisfaction with the resolution of cases she filed which were pending in my court. I have never had any direct contact with the plaintiff. This matter was dismissed by Judge Simon on June 14, 2010 and Ms. Srivastava's future filings will be subject to the Screening Order entered therein.

D. If you ever have been arrested or cited for any violation of the law other than for routine traffic violations, provide dates, jurisdictions, and an explanation of the event and its resolution. None

E. If you are or have been a member of the Bar of any other state, identify the jurisdiction and provide dates. None

F. If you have been disciplined or cautioned, formally or informally, by the Indiana Supreme Court Disciplinary Commission, by the Indiana Commission on Judicial Qualifications, by the Indiana Supreme Court, or by similar entities in any other jurisdiction, identify each instance by date, case number if applicable, and describe the circumstances and the nature of the outcome or resolution. None

G. If you have any outstanding federal, state, or local tax obligations, please itemize and explain. None.

IX. A. Attach a recent statement from your physician describing your general physical condition.

B. Within the past three years, have you been diagnosed or treated for an emotional or mental condition or illness, including any condition that involves treatment for drug or alcohol use? If so, provide the dates of assessment and/or treatment and the names and addresses of your doctors or other treatment providers.

C. Are you able to perform the essential functions of Justice on the Indiana Supreme Court, with or without accommodation? Yes.



6/20/10  
DATE

Robyn L. Moberly  
APPLICANT'S SIGNATURE

Robyn L. Moberly  
PRINTED NAME: ROBYN L. MOBERLY

## WAIVER AND STATEMENT OF CONSENT

The undersigned applicant authorizes the release to the Indiana Judicial Nominating Commission or its staff or agents any records, reports, and documents, whether or not otherwise confidential, which may be requested by the Commission in the performance of its evaluations of candidates pursuant to I.C. § 33-27-3-2. The scope of this authorization extends to, but is not necessarily limited to, requests from the Commission for Federal, State or local tax records, criminal and driving histories from any jurisdiction, attorney and judicial disciplinary records from any jurisdiction, whether pending or closed, and credit reports and histories. The undersigned releases and discharges the Judicial Nominating Commission, its individual members, its employees, agents and representatives, the Indiana State Police, the Indiana Department of Revenue, the Indiana Supreme Court Disciplinary Commission and any other agency or person or their agents or representatives providing information to the Commission from any and all liability arising from the furnishing and use of information concerning the undersigned applicant.

The undersigned agrees and understands that the Indiana Judicial Nominating Commission or its members, agents, or employees, may interview or otherwise consult with members of the legal, judicial, and general community concerning the professional qualifications and the integrity of the applicant, that the name of the applicant will be released by the Commission upon its receipt of the application and this waiver, and that if, pursuant to I.C. § 33-27-3-2(d), the applicant is given further consideration as a candidate after the Commission's initial screening of candidates, or if no such screening occurs and all applicants are considered, the application will be made public. This waiver does not constitute an election by the applicant pursuant to I.C. § 33-27-3-2(g)(3)(C) to authorize the release of investigatory records which are excepted from public inspection pursuant to I.C. § 33-27-3-2(g)(1) and (2).

The undersigned agrees to immediately supplement this application upon any event or circumstance substantially affecting any answer provided in the application.

The undersigned acknowledges having read the Instructions attached to the application.

The undersigned agrees to resign from office or membership in any political organization upon submission of this application.

The undersigned affirms that, if nominated by the Judicial Nominating Commission to the Governor and thereafter appointed to this judicial office, the candidate will accept the appointment.

DATE

6/20/10

APPLICANT'S SIGNATURE

Robyn L. Moberly  
PRINTED NAME: ROBYN L. MOBERLY